

MISSISSIPPI BUREAU OF INVESTIGATION



CASE NUMBER: B12-2755

CASE DATE: 02/21/2012 (Tuesday)

COUNTY: NESHOBIA

CASE TYPE: OFFICER INVOLVED SHOOTING

CASE AGENT: PATRICK BOYD

REPORTING AGENT: ERIC JOHNSON

COMPLAINT:

On Tuesday, February 21st 2012, at approximately 23:01 hours, I was contacted via telephone by MBI Master Sergeant Jerome Lee. Lee reported there had been an officer involved shooting in Neshoba County and the Neshoba County Sheriff's Department was requesting the assistance of the Mississippi Bureau of Investigation.

INVESTIGATION:

At approximately 23:13 hours, I spoke with Neshoba County Sheriff's Department Investigator Ralph Sciple regarding the ongoing situation. Sciple requested MBI assistance along with the MBI/CSU (crime scene unit). Furthermore, Sciple advised a high-speed chase had occurred and once the vehicle was stopped, the passenger was shot in the neck area. After speaking with Sciple, I contacted MBI Master Sergeant Patrick Boyd and requested he travel to Neshoba County to investigate the situation.

At approximately 23:48 hours I spoke with MBI/CSU crime scene technician Greg Nester. Nester indicated he would be responding to the scene.

EXHIBIT

"A"

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02/22/2012 (Wednesday)

On Wednesday, February 22nd 2012, at approximately 00:45 hours I arrived on the scene located on Highway 15 South of Philadelphia Mississippi.

GPS COORDINANTS: N32 DEGREES 40.312

W089 DEGREES 08.806

Upon arrival I spoke with Investigator Sciple. Sciple provided the following information:

- **Driver:** Cruise Allen Petty
208 Robinhood Circle
Philadelphia MS 39350
DOB: 11/26/1992
MS ID Card # 802342671
Cellular # 6015043731 (ATT Go Phone) (Samsung flight II smart phone)
- **Passenger:** Joseph Allen McCarthy
10400 Road 262
Union MS 39365
DOB: 03/11/1992
SSN: 427733381
MS ID Card # 801913875
(Mr. McCarthy did not possess a cellular telephone)
- **Vehicle information:** 2005 Grey Buick Century
VIN: 2G4WS52J551131701

Also, present on the scene were:

- Deputy Josh Ray
- Deputy Jonathan Spears (involved in Pursuit)
- Deputy Derek Wyatt
- Deputy Brad Winstead (involved in pursuit as passenger with Deputy Clay)
- Deputy Coby Clay
- Union P.D. Officer Caleb Page
- Union Police Officer David Boatner
- Neshoba S.O. Investigator Ralph Sciple
- MBI Agent Patrick Boyd

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After accessing the scene and speaking with the officers, Investigator Scipio provided the following information:

- A call came in to the Neshoba County Sheriff's Department from Linda Sanders residence located at 15350 county road 602 Philadelphia MS at approximately 22:24 hours, regarding a breaking and entering. Deputy Spears located the vehicle which was stolen from the residence where the call was reported from. Spears pursued the vehicle which has been described above. Deputies Clay and Winstead joined in the pursuit near Highway 15 and County Road 383. It was observed by officers that one of the tires on the stolen vehicle was flat and separated from the rim during the pursuit. The pursuit continued through the city of Philadelphia. Sheriff Tommy Waddell was notified at his residence via telephone of the ongoing pursuit. Waddell joined the pursuit at Highway 15 and County Road 325. Due to the dangerously high speeds and erratic driving of the pursued vehicle, Deputy Clay performed a "pit" maneuver which caused the vehicle to travel off Highway 15 and come to final rest on the east side of the highway.
- Once the vehicle came to a stop, Neshoba County Deputies Clay, Winstead, Spears and Sheriff Waddell approached the vehicle to take the suspects into custody. While taking the suspects into custody, Sheriff Waddell fired a single gunshot from his duty weapon. Due to the intense situation it was unclear to Sheriff Waddell and the deputies who had fired and who, if anyone, were struck. Shortly, the officers on the scene discovered the passenger; Joseph McCarthy, was struck in the neck area. The on-scene officers provided medical attention for McCarthy until paramedics arrived.
- Mr. Petty was transported by ground ambulance to Anderson Hospital in Meridian MS. Mr. McCarthy was transported via air ambulance to the University of Mississippi Medical Center.

At approximately 02:11 hours, MBI/CSU technicians Greg Nester and Stacy Smith arrived on the scene to document and recover any physical evidence.

At approximately 03:00 hours, Agent Boyd and I met with Sheriff Waddell at the Neshoba County Sheriff's Office. Sheriff Waddell was visibly shaken from the situation. Boyd and I elected to meet with and interview Sheriff Waddell after he had an opportunity to rest.

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Boyd did accompany Sheriff Waddell to the hospital for the purpose of obtaining a blood sample.

Cruise Petty was treated and released from Anderson Hospital and transported to the Neshoba County Sheriff's Office. At approximately 04:50 hours, Investigator Sciple, Boyd and I interviewed Petty. I advised Petty of his Miranda Rights. (See Miranda and Waiver of rights form). (NOTE: The interview was recorded and transcribed. See transcribed statement).

At approximately 18:00 hours, Agent Boyd and I interviewed Sheriff Waddell at the Neshoba County Sheriff's Office. Sheriff Waddell stated he was at home when he was notified of the pursuit by Neshoba deputies of a stolen vehicle. Sheriff Waddell got in his patrol car to assist the deputies. Once the vehicle was stopped Sheriff Waddell approached the passenger side of the vehicle with his service weapon drawn in his left hand (strong hand). He reached in the vehicle with his right hand to take custody of the passenger at which time Waddell stated his weapon must have discharged. At first no one was sure who had fired. Once it was determined the passenger, (McCarthy), was shot, the deputies provided medical attention to McCarthy. An ambulance was called to the scene. Sheriff Waddell said he did not intentionally discharge his handgun and initially it was unclear who had fired the shot. Sheriff Waddell provided a typed statement. (See Sheriff Waddell statement).

03/07/2012 (Wednesday)

On Wednesday, March 7th 2012, at approximately 09:43 hours, Agent Boyd and I arrived at the University Medical Center Rehabilitation Center to obtain a statement from Joseph McCarthy. Boyd and I met with McCarthy's attorney Chuck Mullins. Mullins stated he would allow McCarthy to provide a statement as to the circumstances involving the vehicle pursuit only and requested he not be asked any questions about McCarthy being inside Linda Sanders residence. At approximately 10:02 hours, an audio recorded statement was taken with Joseph McCarthy in the presence of his attorney Mullins, his mother Brenda Munn and his uncle, Tommy Sullivan.

McCarthy stated the following:

- He asked Petty to stop and let him out
- Petty said he wasn't going to stop until he reached his little sister

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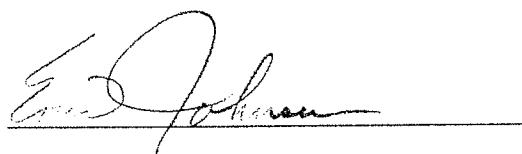
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- He wanted to jump out of the car but Petty was driving approximately 110 MPH
- Stated the police rammed "us" and it caused us to flip
- Once the vehicle was stopped he put his hands up
- His body went "limp"
- Couldn't speak and couldn't move
- Couldn't talk

McCarthy's statement was recorded for the purpose of transcribing. (See McCarthy's transcribed statement).

The interview was concluded at approximately 10:24 hours.

This investigation is ongoing pending the recommendation of the District Attorney.



Lieutenant Eric Johnson

Mississippi Bureau of Investigation